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24 UNITED STATES DISTRICT COURT
25 NORTHERN DISTRICT OF CALIFORNIA
26 SAN JOSE DIVISION

27 QUANERGY SYSTEMS, INC.

28 Plaintiff and Counterclaim
Defendant,

v.

VELOCITYNE LIDAR USA, INC.

Defendant and Counterclaim
Plaintiff.

Case No.: 5:16-cv-05251-EJD

**JOINT CASE MANAGEMENT
CONFERENCE STATEMENT &
[PROPOSED] ORDER**

Date: April 28, 2022
Time: 10:00 a.m. PT
Courtroom: 4, 5th Floor, San Jose
Judge: The Hon. Edward J. Davila

Pursuant to the Court’s February 18, 2022 order lifting the staying in this case (Dkt. No. 119, “Stay Order”), the Standing Order for all Judges of the Northern District of California, this Court’s Standing Order for Patent Cases, and Civil Local Rule 16-9, Plaintiff and Counterclaim Defendant Quanergy Systems, Inc. (“Quanergy”) and Defendant and Counterclaim Plaintiff Velodyne LiDAR USA, Inc. (“Velodyne”) respectfully submit this joint case management conference statement and proposed order.

A. Certification of Claim Construction Order for Immediate Appeal

Neither party sought certification of the Court’s Claim Construction Order (Dkt. No. 96) for immediate appeal. *See* Dkt. No. 100 at 1.

B. Dispositive Motions

Velodyne does not currently intend to file a dispositive motion prior to further development of facts and theories in discovery. Velodyne notes that Quanergy should be estopped from further asserting prior art invalidity defenses in this action in light of its failed IPR, and Velodyne may bring a dispositive motion on this issue if necessary. Velodyne reserves all of its rights to file dispositive motions as the case progresses.

Quanergy does not currently intend to file a dispositive motion prior to further development of facts and theories in discovery.

C. Advice of Counsel

Quanergy does not intend to rely on the advice-of-counsel defense. *See* Dkt. No. 100 at 1.

D. Anticipated Post-Stay Discovery

The parties have not conducted any discovery after the Court issued its claim construction order in October 2017 because this case was stayed shortly thereafter pending resolution of two *inter partes* review proceedings filed by Quanergy. The parties propose to commence post-claim construction discovery on May 9, 2022.

1. Quanergy’s Statement

Quanergy anticipates seeking discovery on the following topics:

Topics relevant to the alleged validity of the ’558 Patent, including but not limited to the alleged invention date, the alleged priority date, the first use and first sale of the claimed invention,

1 the first public knowledge and public disclosure of the claimed invention, inventorship of the
2 claimed invention, and objective considerations relevant to the obviousness of the claimed
3 invention;

- 4 a. Discovery from third parties regarding prior art and invalidity of the '558 Patent.
5 In addition, per Patent Local Rule 3-6, Quanergy anticipates seeking leave from
6 the Court to serve amended invalidity contentions based on the Court's Claim
7 Construction order.
- 8 b. Prosecution of the application that issued as the '558 Patent, including the
9 prosecution of any related patents;
- 10 c. Velodyne's alleged rights and interest in the '558 Patent, as well as the rights and
11 interest of any other parties in the '558 Patent;
- 12 d. The basis for Velodyne's allegation that Quanergy's alleged infringement is
13 willful, including the basis for Velodyne's pursuit of enhanced damages under §
14 284;
- 15 e. The basis for Velodyne's allegation that this case is exceptional, entitling
16 Velodyne to attorneys' fees under § 285;
- 17 f. The basis for Velodyne's pursuit of injunctive relief in this case; and
18 g. The amount and calculation of damages sought by Velodyne.

19 This list is non-exhaustive and Quanergy reserves the right to seek discovery on any topic
20 within the permissible scope of discovery under the Federal Rules.

21 **2. Velodyne's Statement**

22 Velodyne anticipates seeking discovery on the following topics:

- 23 a. Quanergy's infringement of the asserted claims of the '558 patent.
- 24 b. Quanergy's willful infringement of the asserted claims of the '558 patent.
- 25 c. The damages and injunctive relief to which Velodyne is entitled as a result of
26 Quanergy's infringement of the asserted claims of the '558 patent.
- 27 d. Quanergy's defenses as set forth in its Answer to Velodyne's Counterclaims.

1 This list is non-exhaustive and Velodyne reserves the right to seek discovery on any topic
2 within the permissible scope of discovery under the Federal Rules of Civil Procedure.

3 **E. Any Other Pretrial Matters**

4 None at this time.

5 **F. Settlement Discussions**

6 The parties engaged in court-ordered mediation on November 17, 2017, and have had
7 subsequent informal settlement discussions, but to date have been unable to reach resolution.

8 **G. Changes And Updates to The Information Provided in the Parties' Original
9 and November 2017 Joint Case Management Statements**

10 The parties set forth below the changes and updates to the information previously provided
11 in their (i) original Joint Case Management Statement (Dkt. No. 49, "Original Statement") and
12 (ii) November 2017 Joint Case Management Statement (Dkt. No. 100, "2017 Statement").

13 **1. Jurisdiction & Service**

14 **Changes and Updates**

15 The parties have no changes to their prior statements for this section.

16 **2. Facts**

17 **Quanergy's Changes and Updates**

18 Quanergy anticipates filing an amended complaint that amends its claim for declaratory
19 relief of non-infringement.

20 **Velodyne's Changes and Updates**

21 On November 29, 2017, shortly after receiving the Court's claim construction ruling,
22 Quanergy filed two IPR petitions (Nos. 2018-00255 and 2018-0025) challenging all asserted
23 claims of the '558 patent. The Patent Trial and Appeal Board ("PTAB") instituted IPR on all
24 challenged claims in May 2018. After oral hearing, the PTAB issued its final written decisions on
25 May 23, 2019, finding that Quanergy failed to show that any challenged claim was unpatentable.
26 Quanergy appealed the PTAB's decisions. On February 4, 2022, the Federal Circuit issued a
27 precedential decision affirming the PTAB's decisions. *See* Dkt. Nos. 118, 118-1.
28

1 **3. Legal Issues**

2 **Changes and Updates**

- 3 • The extent to which Quanergy is estopped from asserting invalidity defenses in light of
4 the IPRs. 35 U.S.C. § 315(e).

5 **4. Motions**

6 **Changes and Updates**

7 As discussed above, the Court has lifted the stay in this action. Dkt. No. 119. As of the
8 date of this filing, there are no pending motions.

9 **5. Amendment of Pleadings**

10 **Changes and Updates**

11 The parties propose that the deadline for amending pleadings to add parties, claims or
12 counterclaims be set for June 23, 2022, which is 45 days after the date on which the parties propose
13 that fact discovery opens (May 9, 2022).

14 **6. Evidence Preservation**

15 **Changes and Updates**

16 The parties have no changes to their prior statements for this section.

17 **7. Disclosures**

18 **Changes and Updates**

19 The parties have no changes to their prior statements for this section.

20 **8. Discovery**

21 **(a) Discovery to Date**

22 **Changes and Updates**

23 In 2017, the parties made disclosures pursuant to the Patent Local Rules of the Northern
24 District of California, including infringement contentions, invalidity contentions, and preliminary
25 damages contentions. The parties have not completed any other discovery since the submission
26 of the 2017 Statement because the case has been stayed.

1 **(b) Scope of Anticipated Discovery**

2 **Changes and Updates**

3 The parties have no changes to their prior statements for this section.

4 **(c) Report on Stipulated E-Discovery Order**

5 **Changes and Updates**

6 The parties have no changes to their prior statements for this section.

7 **(d) Discovery Plan/Changes to Discovery Limitations**

8 **Changes and Updates**

9 The parties have no changes to their prior statements for this section.

10 **i. Rule 26(a) Disclosures**

11 **Changes and Updates**

12 The parties have no changes to their prior statements for this section.

13 **ii. Discovery Deadlines**

14 **Changes and Updates**

15 The parties' new proposed deadlines for fact and expert discovery are set forth in Section
16 17 below.

17 **iii. Interrogatories**

18 **Changes and Updates**

19 The parties have no changes to their prior statements for this section.

20 **iv. Requests For Admission**

21 **Changes and Updates**

22 The parties have no changes to their prior statements for this section.

23 **v. Requests for Production of Documents and Things**

24 **Changes and Updates**

25 The parties have no changes to their prior statements for this section.

26 **vi. Depositions**

27 **Changes and Updates**

28 The parties have no changes to their prior statements for this section.

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vii. Protective Order

Changes and Updates

The parties have no changes to their prior statements for this section.

viii. Privilege and Privilege Logs

Changes and Updates

The parties have no changes to their prior statements for this section.

ix. Discovery from Experts

Changes and Updates

The parties have no changes to their prior statements for this section.

x. Service

Changes and Updates

The parties have no changes to their prior statements for this section.

9. Class Actions

Changes and Updates

The parties have no changes to their prior statements for this section.

10. Related Cases

Changes and Updates

The parties have no changes to their prior statements for this section.

11. Relief

Quanergy's Changes and Updates

Quanergy does not have any changes to its prior statements for this section.

Velodyne's Changes and Updates

Velodyne does not have any changes to its prior statements for this section.

12. Settlement and ADR

Changes and Updates

The parties engaged in court-ordered mediation with Vicki Veenker in November 2017,
but were unable to reach resolution.

13. Consent to Magistrate Judge For All Purposes

Changes and Updates

The parties have no changes to their prior statements for this section.

14. Other References

Changes and Updates

The parties have no changes to their prior statements for this section.

15. Narrowing of Issues

Changes and Updates

Velodyne anticipates that Quanergy will drop its prior art defenses because Quanergy is estopped from presenting any invalidity ground that Quanergy raised or reasonably could have raised during the IPR proceedings. 35 U.S.C. § 315(e). Otherwise, the parties have no changes or updates to their prior statements for this section.

16. Expedited Trial Procedure

Changes and Updates

The parties have no changes to their prior statements for this section.

17. Scheduling

The parties submit the following chart with their proposed schedule.

Event	Joint Proposal
Opening of Fact Discovery	May 9, 2022
Last Day to Amend Pleadings	June 23, 2022
Quanergy to serve narrowed invalidity contentions	July 22, 2022
Joint Trial Setting Conference Statement	10 days prior to the Trial Setting Conference
Trial Setting Conference	30 days prior to the close of fact discovery
Close of Fact Discovery	December 2, 2022
Velodyne to serve narrowed identification of asserted claims	December 16, 2022

Opening Expert Reports by the Party with the Burden of Proof	January 27, 2023
Rebuttal Expert Reports	February 24, 2023
Close of Expert Discovery	March 24, 2023
Deadline for Filing Dispositive and <i>Daubert</i> Motions	April 28, 2023
Pretrial Conference	TBD
Trial	TBD

18. Trial

Changes and Updates

Velodyne estimates 7 days for trial should be sufficient. Quanergy estimates the expected length of trial is 5 days.

19. Disclosure of Non-party Interested Entities or Persons

Quanergy's Changes and Updates

The following person or entities either own more than a 7% equity interest in Quanergy Systems Inc. or otherwise have an interest in the subject matter and/or Quanergy Systems Inc.:

1. Rising Tide
2. Tamer Hassanein
3. CITIC Capital Acquisition LLC
4. Sensata Technologies, Inc.
5. Zola Ventures

Velodyne's Changes and Updates

In September 2020, Velodyne Lidar, Inc. became a wholly owned subsidiary of Graf Industrial Corp. and changed its name to Velodyne Lidar USA, Inc. At the same time, Graf Industrial Corp. which is a publicly listed company, changed its name to Velodyne Lidar, Inc. *See also* Dkt. 120 (4/5/22 Joint Stipulation to Change Name) at 1.

1 **20. Professional Conduct**

2 **Changes and Updates**

3 The parties have no changes to their prior statements for this section.

4 **21. Other**

5 **Changes and Updates**

6 The parties have no changes to their prior statements for this section.

7
8 Dated: April 11, 2022

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28 Dated: April 11, 2022

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CASE MANAGEMENT ORDER

The above JOINT CASE MANAGEMENT STATEMENT & PROPOSED ORDER is approved as the Case Management Order for this case and all parties shall comply with its provisions. [In addition, the Court makes the further orders stated below:]

IT IS SO ORDERED.

Dated:

UNITED STATES DISTRICT JUDGE